

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

F I L E D
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 09 2024 ★

In re: RYAN STEPHEN SAMSEL,
an inmate of the Metropolitan Detention
Center Brooklyn, New York,
suffering untreated medical emergency

vs.

COLETTE S. PETERS, DIRECTOR,
FEDERAL BUREAU OF PRISONS

and

Warden, METROPOLITAN DETENTION
CENTER – BROOKLYN,

and

RONALD L. DAVIS, DIRECTOR
U.S. MARSHALL'S SERVICE

and

THOMAS N. FAUST, DIRECTOR,
Andrew Mazzuchelli Dep. General Counsel
DEPARTMENT OF CORRECTIONS
OF THE DISTRICT OF COLUMBIA

and

MERRICK GARLAND,
ATTORNEY GENERAL
AS HEAD OF THE
U.S. DEPARTMENT OF JUSTICE, *and*
of all Bureau of Prisons functions nation-wide

BROOKLYN OFFICE

Civil Action No.

1:24-cv-05026-RPK-PK

RENEWED
REQUEST FOR FORMAL ISSUANCE OF SUBPOENAS FOR
MEDICAL RECORDS CERTIFIED BY THE CLERK

The Petitioner Ryan Samsel, by his Power of Attorney, Raechel Genco, hereby clarifies and repeats his requests that the Court authorize, approve, or order the Clerk of the Court to issue a subpoena for my medical records for medical evaluation and treatment prior to his arrest in early 2021, for the reasons identified in his motions.

On September 16, 2024, the Court by the Honorable Judge Rachel P. Kovner entered the following Minute Order:

ORDER: Petitioner 16 moves for the Court to reconsider its 14 Mem. & Order denying petitioner's 3 motion for a preliminary injunction. Petitioner's 16 motion for reconsideration is denied. "Reconsideration... is an extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources." *In re Taneja*, No. 17-CV-9429 (JGK), 2019 WL 1949839, at *1 (S.D.N.Y. Apr. 19, 2010) (internal quotation marks and citation omitted). The decision to grant or deny a motion for reconsideration is within the district court's discretion. *Cooper v. Lapra*, No. 18-CV-9405 (KPF), 2020 WL 7027592, at *1 (S.D.N.Y. Nov. 30, 2020). But such a motion "should be granted only when the [plaintiff] identifies 'an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.'" *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr.*, 729 F.3d 99, 104 (2d Cir. 2013) (quoting *Virgin Atl. Airways, Ltd. v. Natl Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992)). Petitioner has not identified any change in applicable law, new evidence not yet presented to the Court, clear error or manifest injustice, or any other compelling reason why reconsideration is warranted. Petitioner's 16 motion for reconsideration is therefore denied.

To the extent petitioner requests a subpoena, petitioner may file a separate request that the Clerk of Court issue a subpoena in compliance with Federal Rule of Civil Procedure 45.

Ordered by Judge Rachel P. Kovner on 9/16/2024. (BRS)
(Entered: 09/16/2024)

However, after around a week of attempting to get someone at the Clerk's office on the phone to schedule pick-up and delivery of the signed subpoenas for Ryan Samsel (Riffert)'s own medical records pre-arrest, Ryan Samsel's attorney-in-fact appointed under his Power of Attorney to her finally got a response today, September 25, 2024, that the case was closed and therefore the Clerk would not issue the requested subpoenas.

First, the presiding judges specifically directed that the subpoenas could be requested and would be issued by the Clerk.

Second, the case is not closed. The Court denied a preliminary injunction, not the underlying case.

Third, Judge Kovner clearly understood and meant the situation: "Petitioner has not identified ... new evidence NOT YET presented to the Court..."

The balance expressed in Judge Kovner's order is clearly understanding that:

- a) The medical records which Ryan Samsel reports diagnosed his need for surgery before his arrest, with no reason or motivation other than health needs, ARE the "new evidence" required by the Court.
- b) Therefore, if the pre-arrest medical records are obtained, and

c) If the medical records substantiate what Ryan Samsel Riffert reports, that he was already diagnosed with the need for surgery before his arrest, then

d) The prison system doctors undertook to evaluate and treat Ryan Samsel Riffert without obtaining his medical records and in ignorance and disregard for his previous diagnoses.

This is scandalous and a gross departure from the standards of medical care.¹

e) The prison system spent almost 4 years debating something that was not debatable, engaging in a sort of “doctor’s lounge” academic discussion without ever asking for the medical records that would be necessary for them to examine and consider, and without actually doing anything.

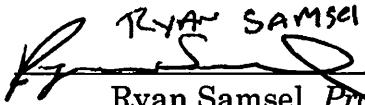
CONCLUSION: Ryan Samsel Riffert requests that the Court direct that the Clerk issue the four (4) requested subpoenas. Considering the practical difficulties of lock down conditions at MDC – Brooklyn, Petitioner would welcome the assistance of

¹ Scrutiny of the prison system medical records indicate, as Ryan Samsel has said, that (a) the prison system doctors knew the contents of his pre-arrest medical records and refer to issues in his pre-arrest medical records, but (b) then deny having those records that they refer to. If this is substantiated, it highlights an equally scandalous situation, where the Bureau of Prisons and its contractor medical staff are lying to this and other Courts. The prison doctors speculate in free association about what drugs Ryan Samsel as an MMA fighter might have taken, which would require them to obtain his pre-arrest medical records. The prison doctors rely upon pre-arrest medical facts, but pretend not to have the records about them.

service of the subpoenas as the Court previously directed the U.S. Marshall's Service to perform, even if there is a standard fee for this service. At the least, Petitioner asks that the Court post the signed subpoenas on PACER so that his attorney in fact near Philadelphia can download them and serve them in the Philadelphia area without driving to Brooklyn, New York.

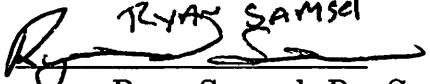
Dated: September 30, 2024

Respectfully submitted,

 Ryan Samsel
Ryan Samsel, Pro Se
Signed by direction
Inmate # 28332-509 Metropolitan
Detention Center – Brooklyn
80 (space) 29th Street,
Brooklyn, New York 11232
Ryan.Samsel@hotmail.com
Telephone: (518) 510 8895

Certificate of Service

A copy of this motion has been mailed to all Respondents by first-class U.S. mail, postage prepaid to the U.S. Attorney's office which has entered its appearance to represent them.

 Ryan Samsel
Ryan Samsel, Pro Se
Signed by direction



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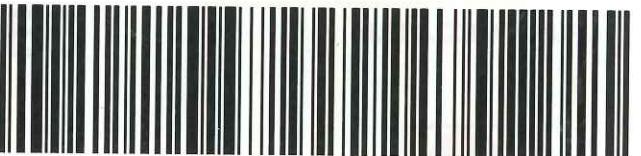
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FROM: *Ryan Samsel*
743 Carson Street 2nd Floor
Bristol PA, 19007

TO: *Clerk of Courts*
U.S. District Court
for the Eastern District
225 Cadman Plaza E
Brooklyn, New York 11201

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